

4.3 The Aldinga Arts Ecovillage

Karen Bubna-Litic³¹²

Abstract

This case study examines the governance issues in an ecovillage in South Australia. People in the community wanted to work in a flat and equitable structure. What is the best governance structure to accommodate this? The community also wanted to exhibit best practices in terms of environmental sustainability including development of an active triple bottom line, appropriate housing for different levels of income, the empowerment of all members of the community, and active engagement with the broader community. This presented many challenges and there have been varied levels of success in each of these areas. However, successes have resulted from the commitment of the community to people-oriented governance. This case study evaluates the responses to various sustainability challenges posed by this intentional community and identifies some of the success factors to be applied for governance for sustainability.

4.3.1 Introduction

'Ecovillages can be likened to yoghurt culture: small, dense and rich concentrations of activity whose aim is to transform the nature of that which surrounds them'.

Jonathan Dawson, *Ecovillages*³¹³

Ecovillages remain peripheral to the mainstream debate on sustainability. They are often seen as 'nice' for others but not practical. The world's push towards growth and globalisation is in direct contrast to the ecovillage philosophy of voluntary simplicity and greater self-reliance. And yet, globalisation, with its reliance on agricultural produce being transported thousands of kilometers, may be withering due to increases in fuel prices and the recognition of the impacts of climate change, including the decline in food supply, decreasing availability of water, and loss of soil fertility. A more sustainable society will need to be locally based and decentralised and people will need to become more knowledgeable about their bioregion. This was some of the thinking behind the original concept of the Aldinga Arts Ecovillage (AAEV), whose founders believed in the power of working together to improve the social and environmental aspects of our Australian suburban lifestyle.

AAEV is a sustainable housing development located in Aldinga, a coastal village in the southern suburban fringe of Adelaide, South Australia. It is an intentional community based on the principles of permaculture with a focus on the arts and the environment. The philosophy of the Village community is based on 'three pillars' – social systems, economic systems, and bio/environmental systems – with a vision of 'Caring for the Earth; caring for people; living creatively –

³¹² Karen Bubna-Litic B.Juris, LLB, LLM, is an Associate Professor, Faculty of Law, University of Technology, Sydney, NSW, Australia, Karen.bubna-litic@uts.edu.au

³¹³ Dawson, J, *Ecovillages: New Frontiers for Sustainability*, (Green Books: Devon, 2006).

together³¹⁴. AAEV is built on 33 hectares and when completed will accommodate 168 residences, including 24 low-income community residences, and 10 commercial sites on 17 hectares, with the remaining 16 hectares being an organic farm. The farm includes a treatment plant that recycles waste water for irrigation, lagoons, tree buffers, wood lots, community plots for individuals, and lease arrangements for organic food crops, all developed on permaculture principles. Additional open space allows for village commons and community gardens and orchards. All of the road reserves are planted with food-bearing trees. The first house was completed in 2003 and at present there are approximately 40 completed dwellings.

The community prides itself on aiming for a governance structure that empowers all members of the community and this reflects a worldwide increase in the participatory nature of governance, with a UN Development Programme (UNDP) study showing that for the first time a majority of the world's people live in democratic regimes.³¹⁵ Having an arts focus has allowed the community to run arts workshops and an arts ecomarket. The community has also established the village green preservation society, which creates a non-threatening community in music. The nature of the village is that people want to work in a flat structure because of what they see as issues of equity. However, working in this way can have its disadvantages. It can result in lowest-common-denominator decisions and people may be reluctant to take responsibility. For example, after a successful run of arts markets during 2005-2006, no markets were held in 2007. There has been a similar slowing in the progress of the farm and with a printed newsletter distributed in public places around Aldinga.

How do you bring things forward? Is there a need for a structure or can it be done organically? How do you work with the resistance that inevitably comes up? What sort of leadership / governance model is best suited to the aims of the ecovillage? Are formal positions of leadership needed? Is the community fearful? Is there a fear of success or fear of disintegration of community? This case study will explore some of these questions.

4.3.2 Description

History and background

For all of the advantages that an ecovillage can offer in terms of living in a sustainable community, many aspiring ecovillages never get off the ground because of difficulties such as identifying and building a core group, finding the land, working with planning authorities, raising investment capital, setting up a suitable legal structure, putting up buildings, agreeing on decision-making structures, making and distributing income, and working with conflict.

Before looking at the outcomes and successes of this ongoing project, I will describe the background in terms of the above factors. The history of the ecovillage informs much of the existing governance structures. In the early to mid-

³¹⁴ www.aaev.net

³¹⁵ UN Development Programme (UNDP), *Human Development Report 2002: Deepening Democracy in a Fragmented World* (Oxford University Press: New York, 2002).

1990's, a group of artists, interested in art and nature and a permaculture group, were independently looking for land to set up a community. The artists joined with energy architect John Maitland, who was interested in developing a community around environmental design, but their focus was more on a vibrant arts community. At the same time, permaculturalist Steve Poole's co-housing development fell through when the new government withdrew funding. He had been setting it up as a co-operative but the co-operatives legislation in South Australia didn't allow for private equity funding and so when government funding was withdrawn, he was looking for a new permaculture project. It wasn't until the introduction of the Community Titles Act of 1996 (South Australia) that a suitable legal vehicle was found under which the vision for the ecovillage could be implemented. This Act provides for the division of land into lots and common property and for the administration of the land by the owners of the lots. In the late 1990's the South Australian state government, through its Land Management Corporation (LMC), gave the group an option on the land it now holds. In 2001, the group was told by council that its option was about to expire and under the Community Titles Act of 1996, the community could not be the developer. Therefore, a development company was formed with five shareholder/ directors. Later, it was joined by Lou de Leeuw, an accountant, who set up a structure to raise money to buy the land and raise the investment capital. Once the group showed its ability to develop the land, the development application and subdivision plan was approved. Up to that point, the council did not think that its dream could be translated into reality. Bringing in a professional, who could set up a viable financial structure and liaise with the authorities, was essential in getting the grant of land. The current directors of the development company are John, Steve, and Lou. In line with the aspirations of the founding group, the company has been treated as a not-for-profit organisation whereby any surplus funds are put towards community resources.

Under the Community Titles Act of 1996, the community had to develop a community scheme and by-laws. A three-day workshop was held to design the village and the by-laws. The community at the time comprised 20 families. The by-laws cover such things as development of lots, ecologically sustainable development, animals, supply of water and sewerage treatment, and the electronic communication system. The Community Corporation³¹⁶ can enforce the by-laws and the development contract and a person who fails to comply with the by-laws is guilty of an offence, which carries a maximum penalty of \$500. The philosophy of the village is that this penalty is not to be used as a threat of enforcement. Rather a philosophy of consensus – coupled with active encouragement and education – should be enough to get people to comply.

The collective vision of AAEV is 'Caring for the Earth; caring for people, and working creatively – together'. The village salutes the indigenous philosophy of 'people belonging to the land' in contrast to the European philosophy that land belongs to people; it recognises that traditional philosophy offers valuable

³¹⁶ 'Community corporation' means a corporation established when a plan of community division is deposited in the Lands Titles Registration Office; s3 www.austlii.edu.au/au/legis/sa/consol_act/cta1996224/ AAEV is a community corporation registered under the Community Titles Act of South Australia 1996. See www.aaev.net/management/index.html

teachings towards a more sustainable way to live in community. The founding members of the development company, all of whom owned land in the village, had the following objectives in setting up the ecovillage: they wanted to achieve an active triple-bottom-line development, a community developed on permaculture principles, appropriate housing for different levels of income, the empowerment of all members of the community, and active engagement with the broader community. Community by-laws were developed to reflect these objectives.³¹⁷

Legal and governance structures

Under the Community Titles Act of 1996, a community corporation must be established. The owners of the lots are members of the corporation. There are three statutory appointments under the Act – a presiding officer, treasurer, and secretary. The Act provides for the establishment of a management committee but otherwise provides for no other governance structures. It provides for unanimous resolutions for amendment of the community plan and for a whole range of activities concerning common property. These provisions have caused AAEV some concern whereby decisions have been delayed for lack of a unanimous vote. The governance committee is currently looking at a way of amending the law so as not to require unanimous decisions. All other decision making in the village is by consensus.

The governance structure of AAEV includes a management committee and eight other committees each with a coordinator. The committees are the natural environment, building development, services, arts and culture, farm, community development, communications, and governance. The management committee comprises the three statutory members and one representative of each of the other committees. Each committee has autonomy in budget spending on any project up to a certain value, over which the project needs approval by the management committee.

Sustainability challenges

A number of key sustainability challenges are raised by this case study. The most crucial is determining the governance structures that will engage and empower all members of the community. Communicating with friends and family is easy but

³¹⁷ The general philosophy of the village was incorporated into Part 2 of the by-laws, which read,

4. The most responsible way we can deal with the built environment is to acknowledge Nature as the driver of our decision-making, not the sufferer therefrom.
5. The theme of an organic edible landscape in conjunction with local indigenous species is to be developed using permaculture techniques.
6. Harmonious relationships between the residents, created in freedom and with mutual respect, will not only benefit all living things within the boundaries of the community parcel, but will also radiate out into wider and wider circles of the environment and the external community.
7. Subject to other legitimate constraints, preservation of nature and protection of the more vulnerable requires priority of movement on the common property, paths and roads to be accorded firstly to native animals, then non-native animals, then children, then other pedestrians, then non-motorized wheeled vehicles and finally motor vehicles.
8. The aim for decision-making and conflict resolution will always be based on consensus among the owners and occupiers of lots within the community parcel.

some people are not good at communicating at the group level. Those who don't participate seem to fall into two categories: (1) those who are quiet by nature and are just happy to listen, and (2) those who are quiet because they are shy and don't feel comfortable expressing themselves in a group context because they fear what may happen when they speak out. Remaining silent may lead to passive / aggressive behaviour, which is a real challenge because herein lies the greatest potential for conflict. AAEV has recently introduced a system of red and green cards at general meetings to try to deal with this challenge. This method is discussed later in the case study.

Another challenge, one that goes to the heart of maintaining AAEV as an ecologically sustainable community, is enforcement of the by-laws. The by-laws set out the philosophy, values and rules that govern AAEV. Compliance with the by-laws is the main way to ensure that the village maintains ecological sustainability and the management committee has the role of enforcement. In the past, the management committee has been reluctant to enforce the by-laws for fear of creating conflict. But many villagers are dissatisfied with the lack of enforcement and the unwillingness of the committee to tackle the big issues. In January 2008, the management committee gave its first enforcement notice, which relates to breaches of the by-laws in relation to dogs and cats. It gave a three-month amnesty before further action will be taken. This is an ongoing challenge exacerbated when property changes hands and the sellers don't bring the by-laws to the attention of prospective buyers.

Dealing with conflict and its connection to community empowerment is a further challenge. If decision making is by consensus, how does one resolve disagreements? With consensus, people can abstain rather than disagree. Although this will not result in a unanimous decision, it is regarded as a consensus decision. Conflicts range from small neighbourhood disputes to ones involving the whole community. There is no formal structure to resolve conflicts and most are resolved between the parties. However, some fester and this has resulted in people no longer wanting to participate in governance for fear of verbal or written abuse from others. The Community Titles legislation requirement that decisions amending the community plan need to be unanimous resulted in the situation in which one person delayed a decision, which caused a large financial loss to AAEV. Although this would have been avoided if the decision could have been made by a special majority, a consent-based rather than consensus-based decision-making process³¹⁸ may also have resolved the conflict more easily. Consent-based decision making is part of a new governance model, which the governance committee is currently considering.

It is well recognised that a smaller ecological footprint will be achieved if we could travel less and work closer to where we live. It follows that one of the environmental challenges for AAEV is to have more economic development so people can work, live, and create in or around the village. One of the objectives of the current directors was for AAEV to be an active triple-bottom-line development. The environmental and social aspects are well documented as viable aspirations. However, some members are not interested in increasing economic activity. But in

³¹⁸ See discussion on sociocracy in section 3.

order to achieve a smaller ecological footprint, there needs to be a revisiting of these possibilities. The plan for the farm includes an environmental education centre with the potential for village employment, and there are plenty of business opportunities consistent with the values of AAEV, such as food production, massage, visual arts, performing arts, and markets to name just a few.

If AAEV is going to be an example to planning authorities of how communities can be sustainable and self-governing, it is important that it does not become an elite suburb for the affluent and the elderly. This challenge becomes especially difficult as building costs increase. Many suburban communities have a mixed demographic because people moved there years ago. In many cases, if they had to buy in today, they couldn't afford it and some suburbs would become *de facto* 'elite suburbs'. AAEV needed a range of housing options to achieve a mixed demographic. How this was accomplished is further discussed in Section 3.

The final challenge is how to make AAEV more externally engaged. The management committee is given the role of engaging with members of the external community. Currently there are no members of either local government, business groups, or resident groups involved in any of the governance structures of AAEV. Individual members of AAEV engage through schools, mother's groups, and church groups. They engage through local shops, the market in Willunga, and other local events. Many have friends who live locally. How does the external community perceive the ecovillage? In response to this question, the answers were mainly positive and many in the external community were interested to learn more. Some saw it as a fantastic project and wondered why the government didn't pick it up. Many local people didn't realise AAEV is a suburb that they can visit; some thought it had too many rules; and some viewed it with curiosity as a hippie commune or an exclusive suburb.

4.3.3 Evaluation

The challenges described earlier deal with conflict, choosing governance structures that empower all members of the community, creating a place of local employment, more fully engaging with the external community, and ensuring a mixed demographic in the village. There have been successes in all of these areas in both outcomes and processes. Despite these challenges, which are substantial, AAEV feels like a community that is achieving its vision of Caring for the Earth, caring for people, and working creatively – together. It has created a safe environment in which to live and there is a real feeling of support and harmony in the village.

What are factors that have led to this state? One important factor has been the willingness of the community to keep whole-community empowerment constantly in their vision and in their minds. The fact that empowerment is a commonly held aspiration allows for its success in the face of many challenges. Perhaps because the community often expresses this value it remains in the forefront of its consciousness. This value was widely expressed in response to surveys in 2004 and 2008. For example, the strategic planning process for 2005-2008 conducted a preliminary survey of community members in 2004 and asked the following questions:

1. What is your vision for our community?
2. What do you think are the three to five most important values of our community?
3. What are the three to five most important positive features of our forming community that we should seek to build and protect?
4. What do you see as the three to five most serious things that could go wrong in our community that we must guard against?
5. What do you see as the three to five most exciting opportunities that could make our community a 'success' – a positive example to other communities?
6. What do you consider the most critical five areas for the investment of our levy funds in the next one to three years?

This aspiration of community empowerment is also expressed through the inclusiveness of the community in activities, such as meetings, conflict resolution processes, and village activities like market days and the Sustainable House day. The website³¹⁹ and the opportunity it gives for everyone to communicate is another example.

The staging of an event at the Adelaide Fringe Festival, called 'A Day at the Green', a six-hour musical performance at the village amphitheatre, showed the strength of an ecovillage model; in two three-hour working bees, the community set up pathways, signs, lights, stalls, and food preparation that ensured a successful event. The spirit of the ecovillagers showed that 'at the scale of an ecovillage, the strength of one person or family meets the strength of others who, working together, can create something that was not possible before.'³²⁰

It is one thing to aspire to whole-community empowerment and there are illustrations of people coming together to achieve outcomes. However, that is different from a system of whole-community involvement. Consensus decision making has been the model for AAEV, but in a large community of 168 lots it is difficult for everyone to be satisfied. For some time, there has been some dissatisfaction with the existing governance structure. Conflict has been resolved in an ad hoc manner. Some people have nearly left the community because of the level of conflict and some people have stopped participating in community governance because of past conflicts. To deal with these issues, the governance committee has become active after being dormant for some time. The newly formed governance committee has been charged with researching and advising on a way forward. It is exploring 'sociocracy' as a new form of governance.³²¹ Sociocracy vests the power to rule in the 'socios', that is, in people who regularly interact with one another and have a common aim. Each member of the 'socios' is believed to have a voice that cannot be ignored in the managing of the

³¹⁹ www.aaev.net

³²⁰ Elgin, D, 'Ecovillages: Seeds of Sustainable Societies' forward in Walker, L, *Ecovillage of Ithaca*, (New Society Publishers: New York, 2005).

³²¹ www.aaev.net/management/governance/gc_documents/files/Self-Organisation.pdf

organisation.³²² This would seem to be a natural fit with AAEV, but what advantages does it offer over the current consensus-based decision making system? Consensus decision making focuses on reaching agreement. When agreement is the aim of a forum, people may feel that if they do not agree, they will be made to feel that their values are not in accord with those of other members of the community and they will be viewed as anti-community. This is likely to lead to disharmony and possibly conflict. Sociocracy uses consent at the heart of its decision-making, but instead of asking for agreement it asks for a paramount³²³ and reasoned³²⁴ objection, which tries to find people's limits and tolerances. Understanding people's limits and tolerances, instead of just pushing them towards agreement, could minimise conflict. The other three ground rules of sociocracy are circles, double linking, and elections. Circles, the primary governance units, are semi-autonomous and self-organising groups. Each circle or committee has its own aim and performs the three functions of directing, operating, and obtaining feedback. The circles at the ecovillage could be organised by activities, which is how they are currently organised, or by neighbourhood groups, or a combination of both. Circles are connected by a double link consisting of a functional leader elected by the next higher circle and a representative elected by the circle, both of whom participate fully in both circles so there is an equal exchange between groups. The higher circle includes members of the external community. Persons are elected exclusively by consent after open discussion. This also applies to the three elected statutory positions. The top circle, currently the management committee, could comprise the three elected statutory positions, the two elected members of each of the other committees (the double linking), and any other people from the external community invited because of their special expertise in areas vital to the community. This could include representatives from government and/or business. The actual structure of the circles is a work in progress.

While the governance committee is investigating alternative governance structures, the community has not remained static. As in any situation, the loudest voices get heard the most and with consensus decision making, in trying to reach that all-important agreement, those with a different opinion may never get heard. In recent general meetings, a new technique has been introduced. People are given a red card and a green card and when it is time to vote, the chair asks people to indicate if they are ready to vote. If they are, they produce a green card and if not, they produce a red card. When a red card is produced, the chair asks that person what more they need in order to be ready to make a decision, and the chair deals with that request and then repeats the process. This process has two advantages. First, it cuts those who are ready to vote out of the discussion. These people are often the most vocal and may continue to discuss the same issues. Second, it allows people who may not feel comfortable voicing their opinion in a large arena to have a 'one on one' conversation with the chair. Those I have asked about this process have expressed that it worked very well.

³²² www.sociocracy.biz

³²³ Meaning serious enough to stop that person supporting the aims of the group.

³²⁴ Meaning that their objections were expressed clearly enough that the rest of the group could understand and resolve them.

Another challenge has been getting a critical mass living in the village so as to have a vibrant community with a mixed demographic. A two-year covenant on building would have resolved this, but the downside may have been that only those with available funds would have bought into the village, which may have turned it into an 'elite suburb'. The original land could never have been bought if such a covenant was in place. One perceived threat to AAEV is that it could become a retirement village for baby boomers. One of its successes has been achieving a mixed demographic in terms of ages, backgrounds, education, and work practices. A mixed community with the common aims of creating an ecologically sustainable, caring, and creative community allows for a high level of tolerance and understanding even in situations of conflict. How has this mixed demographic been achieved? The community plan allows for differing sizes of blocks of land and it contains large amounts of common land so people can build a small house, thus keeping costs down. Although AAEV has not been based on a co-housing model, there is an argument that those still waiting to build on their land should try to build at the same time. This would keep costs down and be more socially conclusive. Stage 3 of the ecovillage has seen 15 terraces being built as well as a block of 24 low-cost housing units, all adhering to eco-design principles. By letting go of their individualistic tendencies, these owners have achieved a lower cost, become more socially inclusive, and made a smaller ecological footprint.³²⁵

There is considerable interest in AAEV. Now that the village has been around for four years and is reaching a critical mass, there will be more opportunity for engagement with other resident associations and the local traders association. The local library at Aldinga has an expanded ecology section due to interest from the village. In 2003, Onkaparinga Council hosted a meeting of the CEOs of all local governments in Australia and they were brought in for a tour of the village. Although the local council is supportive of the village, it is not actively promoting similar subdivisions. It does not provide any services to the village, which allows AAEV to manage the common areas in a way that would be impossible under local government restrictions. Schools often visit the village. For example, in 2002, Golden Grove High School invited a representative of the village to speak to its gifted and talented students. As a result, students came and helped with the first planting in the village. They now come every year and this visit has been incorporated into their curriculum. AAEV won the Nature Foundation South Australia Good Business Environment 2004/05 Infrastructure and Services Award and one of its houses won an architecture design award.

The elements of sustainability oriented governance include empowerment, engagement, communication, openness, and transparency. These elements are echoed in the design of the community plan and the physical design of the buildings. The community plan is structured around 'neighbourhoods' of 10 – 15 dwellings. There are no through roads, though one can walk around the village. There is a large amount of common land with orchards and meeting places. The houses all have a northerly aspect with no fences allowed. These designs

³²⁵ Dawson, J. *Ecovillages: New Frontiers for Sustainability*, (Green Books: Devon, 2006), p. 83.

encourage people to relax about the need for privacy and results in many informal meetings and chats with other members of the village.

AAEV has a strong value base as represented in its vision, 'Caring for the Earth, caring for people, and working creatively – together'. Its governance structure tries to ensure fair process. Its decision making has been by consensus to ensure common ownership of decisions. It is currently investigating even better forms of decision making that will ensure transparency, openness, and accountability. A strategic planning process needs to be completed. One was started in 2004 but never completed as it was found to be too large a job for one person in a voluntary capacity. It may need a paid leader with related expertise from the community. The challenge of providing employment within the village is ongoing.

4.3.4 Conclusion

AAEV seems to generally adhere to the 'seven golden rules' of sustainability oriented governance, governance that is: participatory, consensus oriented, transparent, responsive, equitable, and inclusive. The main learning has been about how to deal with conflict in a consensus decision-making process.

There are still challenges. Research for this case study has shown that there is a continuing need to build capacity amongst both current and potential members of AAEV in the legislative framework that governs the community including the by-laws. There could be greater external engagement with government and business and the model of sociocracy will encourage this contact over time. Continuing to educate the external community remains an important part of AAEV's activities, especially with the proposed environmental education centre. In action, AAEV is striving for a community that can provide for more of its own needs including work, creativity, food, energy, water, and community. The challenge of developing economic activity within the village so as to minimise the community's ecological footprint is one that AAEV will soon be able to embark on as more people move into the village. What AAEV has achieved in terms of people-oriented governance will enable it to meet these further challenges in a participatory, transparent, equitable, and inclusive way.